

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

AARON JAMES PIERCE,

Plaintiff,

v.

EDWARD S. ALAMEIDA, Jr., et al.,

Defendants.

No. C 03-4934 JF (PR)

ORDER DENYING PLAINTIFF'S
MOTION FOR COURT ORDER

(Docket No. 75)

Plaintiff, proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983. Plaintiff has been granted leave to proceed in forma pauperis. The Court initially dismissed the complaint with leave to amend. Plaintiff filed an amended complaint.

Plaintiff has also filed numerous notices and documents with the Court concerning his claims. As stated in the Court's previous order, any documentation that Plaintiff wishes the Court to consider regarding his claims must be filed in Plaintiff's amended complaint.

On August 30, 2007, Plaintiff filed a motion for the Court to order the Warden at the California Institution for Men ("CIM") to return his personal property, including legal materials and documents. The Court notes that Plaintiff's complaint concerning the return of his property is not before the Court in the amended complaint.

1 This Court has no jurisdiction to order the Warden to comply with the Court's orders
2 because this individual is not a party in the present action, nor does the Court's
3 jurisdiction, within the Northern District of California, extend to the location of the
4 California Institution for Men in Chino, California.

5 Additionally, Plaintiff's complaint regarding his personal property must be
6 addressed through the administrative process available to Plaintiff. See Booth v. Churner,
7 121 S. Ct. 1819, 1825 (2001); 42 U.S.C. § 1997e(a). In order to exhaust available
8 administrative remedies within the state prison system, a prisoner must proceed through
9 several levels of appeal: (1) informal resolution, (2) formal written appeal on a CDC 602
10 inmate appeal form, (3) second level appeal to the institution head or designee, and (4)
11 third level appeal to the Director of the California Department of Corrections. Barry v.
12 Ratelle, 985 F. Supp. 1235, 1237 (S.D. Cal. 1997) (citing Cal. Code Regs. tit. 15, §
13 3084.5). A final decision from the Director's level of review satisfies the exhaustion
14 requirement under § 1997e(a). Id. at 1237-38. Courts do not have discretion under §
15 1997e(a) to excuse exhaustion. Id. at 1825 n.5. Accordingly, Plaintiff's motion for a
16 Court order (docket no. 75) is DENIED without prejudice. The Court will review the
17 amended complaint in a separate written order.

18 IT IS SO ORDERED.

19 DATED: 3/25/08

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JEREMY FOGEL
United States District Judge